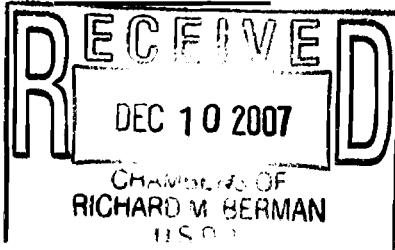


**Ogletree  
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Morristown, NJ 07960  
Telephone: 973.656.1600  
Facsimile: 973.656.1611  
www.ogletreedeakins.com**MEMO ENDORSED**

December 7, 2007

**VIA FEDERAL EXPRESS**Honorable Richard M. Berman, U.S.D.J.  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Courtroom 14A  
New York, New York 10007

Re: **Angel Vargas, et al. v. Midtown Air Conditioning and Ventilation, Inc.**  
Case No. 1:07-cv-03343-RMB

Conference adjourned to 1/10/08 @ 10:00 + all depositions to be completed by then.	
SO ORDERED: 12/11/07	<i>Richard M. Berman</i> Richard M. Berman, U.S.D.J.

Dear Judge Berman:

This firm represents Midtown Air Conditioning and Ventilation, Ltd., the Defendant in the referenced employment discrimination matter. The discovery period in this matter ends on December 10, 2007. On November 28, 2007, in response to Defendant's emergency motion to compel (filed November 21, 2007), this Court ordered plaintiff Felix Bonilla to appear for his deposition on or before December 24, 2007.

Plaintiffs' counsel has notified Defendant that Mr. Bonilla will return to the country on December 15, 2007, and will be available for his deposition. The only possible, mutually convenient date for the parties' counsel is December 17, 2007. Plaintiffs' counsel is unavailable from December 18-21, 2007, and on December 24, 2007. Defendant's counsel is unavailable on December 24, 2007, and may also need to appear in another case on December 19, 2007.

Presently, the Court has a settlement conference scheduled for December 17, 2007, at 10:30 a.m. Because the parties have not finished all of the depositions in this case, and because December 17, 2007 is an otherwise suitable date for the Deposition of Felix Bonilla, the parties respectfully request that the Court adjourn the settlement conference to January 10, 2007, or some other date as the Court deems just.

In addition, the deposition of Roman Lieberstein, a witness for the defense who was scheduled to be deposed on December 5, 2007, needed to be adjourned so that Mr. Lieberstein could tend to a family emergency. The parties request permission to have Mr. Lieberstein's deposition take place on or before January 8, 2007.

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/11/2007
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Honorable Richard M. Berman, U.S.D.J.  
December 7, 2007  
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We have provided plaintiffs' counsel with a copy of this letter in advance, and plaintiffs consent to all of the relief requested herein.

Respectfully Submitted,

OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.,

A handwritten signature in black ink, appearing to read "Dominick C. Capozzola", written over the firm name.

Dominick C. Capozzola

cc: Honorable Henry B. Pitman, U.S.M.J. (via certified U.S. mail)  
Ambrose Wotorson, Esq. (by facsimile)